

From: Leonard Bennett <lenbennett@clalegal.com>
Sent: Wednesday, October 23, 2013 12:55
To: Anderson, Kimball R.; rthompson@wattsguerra.com
Cc: Molster, Charles B.; Ferranti, Bill; Issacharoff, Samuel; Michael Caddell; Donna Winters; David Anthony; Ronald Raether; Matt Erazquin; Jim McCabe; Jim Francis; Cynthia B. Chapman
Subject: Re: Berry v. Lexis
Attachments: Berry.Corrective Order.pdf; ATT00001.htm

Counsel:

In light of the Court's entry of the proposed Order, the loan remaining item is the proposed corrective e-mail notice. In that regard, please see our proposed Order attached.

Donna will circulate a 2:30 pm ET/1:30 pm CT bridge in a moment.

Len Bennett

IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

GREGORY THOMAS BERRY, et al., :
Plaintiffs, :
v. : CASE NO. 3:11CV754
LEXISNEXIS RISK & INFORMATION :
ANALYTICS GROUP, INC., et al., :
Defendants. :
ORDER REGARDING CORRECTIVE NOTICE TO WATTS GUERRA CLASS MEMBERS

Class Counsel and Defendant respectfully request that the Court enter the following Order as a means of correcting certain misleading statements or omissions made by the Watts Guerra firm on its website (<http://www.bringaclaim.com>) and on television commercials like the one seen at <http://www.ispot.tv/ad/721V/watts-guerra-consumer-report>, which were prohibited by this Court's Order granting emergency relief (Doc No. ____).

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED as follows:

1. That the Watts Guerra Group provide the current e-mail address of its purported objection "clients" to the Court-supervised Settlement Administrator so that it may send an email to Class Members previously solicited by the Watts Guerra firm that includes in the message the actual class notices approved by the Court and the following statement:

The United States District Court for the Eastern District of Virginia, presiding over *Berry et al v. LexisNexis Risk & Information Analytics Group, Inc. et al*, has determined that certain information that was previously provided to you by the law firm of Watts Guerra, LP in connection with the *Berry* litigation and the www.BringAClaim.com website was misleading. As a result, the

Court has ordered us to provide you with this corrective email message.

The Court is concerned that some class members who received Watts Guerra communications may not have fully understood their rights with regard to the proposed settlement and therefore may have made decisions without complete information. For example:

- Watts Guerra has entered your name and address in the online federal docket as a consumer who is “Objecting” in order to block or end the settlement;
- Watts Guerra is not the law firm that is representing the class of consumers or the Plaintiffs in this case;
- Class counsel already has been appointed by the Court in the *Berry* litigation to represent Class Members' interests in the proposed settlement. The identity of those class counsel can be obtained at the official Court-approved website identified above.
- There is not a “Claims” process by which you would receive a cash payment, either directly or through Watts Guerra.
- If the Settlement is not blocked by Watts Guerra or other objectors and if the Court approves the Settlement, there are rights that you could exercise to learn and correct the private information available about you, and to greatly restrict its use by other companies or persons.
- If the Settlement is approved, you will still retain your right to bring an individual lawsuit to seek your actual damages.

For information such as the Court-approved Notice, which provides a detailed description of the proposed settlement and the benefits that class members obtain through the settlement, please visit: www.CollectionReportLawsuit.com.

2. Attorney Ryan Thompson and Watts Guerra, individually or collectively, must present any future planned communications directed to the Class sufficiently in advance, but not less than twenty-one days, so that Class Counsel may seek the intervention of the Court if necessary prior to dissemination.

3. Watts Guerra shall be solely responsible for all costs associated with compliance with this Order.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE JAMES R. SPENCER
UNITED STATES DISTRICT JUDGE

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